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August 5, 2008

AUG - 6 2008

By Fax

The Honorable Michael H. Dolinger
United States Magistrate Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Stefanie Tung v. City of NY, et al., 08 Civ. 935 (CM) (MHD)

Dear Judge Dolinger:

I write the Court presently to reiterate the request made in my letter to the Court of August 1, 2008, which respectfully requested that the Court require Defendants to pay attorney's fees and costs pursuant to Fed.R.Civ.Pro. 37(a)(5)(A) for my having to seek and obtain today's relief at the discovery conference earlier today. I apologize that it slipped my mind to reiterate this request at the end of the conference. It should not, of course, be necessary to have to come into Your Honor's courtroom in order to be provided with routine discovery documents, and to obtain dates for depositions and an expectation of receipt of discovery responses.

Also, to update the Court, counsel for Defendants and I conferred after the conference, and decided that it would not have been a constructive use of the Court's time to have a settlement conference today. We very much appreciate Your Honor's offer to assist us in mediating this matter, however, and may be contacting Chambers in the future to request a settlement conference.

I thank the Court again for its consideration in this matter.

Respectfully submitted,

Jeffrey A. Rothman

Attorney for Plaintiff

cc: Assistant Corporation Counsel Robyn Pullio, Esq. (by Fax)

7 ANDERSON
ORDER

Agitation denied

8/6/08